

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

MOTOROLA, INC., MOTOROLA  
MOBILITY, INC., and GENERAL  
INSTRUMENT CORPORATION.,

Defendants.

CASE NO. C10-1823-JLR

DECLARATION OF KEVIN J. POST IN  
SUPPORT OF DEFENDANTS'  
OPPOSITION TO MICROSOFT'S  
MOTION FOR LEAVE TO FILE  
SUPPLEMENTAL DECLARATION  
AND DEFENDANTS' MOTION TO  
FILE DOCUMENTS UNDER SEAL

**NOTED ON MOTION CALENDAR:  
Friday, December 2, 2011**

Friday, December 9, 2011

1           1.       I am an associate at the law firm of Ropes & Gray LLP, counsel to Motorola, Inc.  
2 (now Motorola Solutions, Inc.), Motorola Mobility, Inc. and General Instrument Corporation  
3 (collectively “Motorola”), Defendants in this action, and am a member in good standing of the  
4 bars of the State of New York and the District of Columbia.

5           2.       I submit this declaration in support of Defendants’ Opposition to Microsoft’s  
6 Motion for Leave to File Supplemental Declaration of Christopher Wion in Support of Motion for  
7 Partial Summary Judgment (D.I. 112) and Defendant’s Motion to file Documents Under Seal,  
8 submitted concurrently herewith.

9           3.       Attached as Exhibit A is a true and correct copy of the Declaration of Timothy  
10 Kowalski in Support of Complainants Opposition to Respondent’s Motion to Terminate the  
11 Investigation with Respect to U.S. Patent No. 5,319,712 and 5,357,571 (“the Kowalski  
12 Declaration”), which describes licensing information and negotiations between Motorola and a  
13 certain third party.  
14

15           4.       The Kowalski Declaration contains highly confidential and commercially sensitive  
16 proprietary business information protected by paragraph 6 of the Protective Order. ECF No. 72 at  
17 4. Disclosure of this information to third parties and other party employees not covered by the  
18 protective order would have the potential to lead to competitive harm.  
19

20           5.       The redacted licensing information contained in Defendants’ Opposition to  
21 Microsoft’s Motion for Leave to File Supplemental Declaration of Christopher Wion in Support of  
22 Motion for Partial Summary Judgment is highly confidential and commercially sensitive  
23 proprietary business information protected by paragraph 6 of the Protective Order. ECF No. 72 at  
24

1 4. Disclosure of this information to third parties and other party employees not covered by the  
2 protective order would have the potential to lead to competitive harm.

3 I declare under penalty of perjury of the laws of the United States and the State of  
4 Washington that the foregoing is true and correct.

5  
6 DATED this 28th day of November, 2011.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



---

Kevin J. Post

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Arthur W. Harrigan, Jr., Esq.  
Christopher T. Wion, Esq.  
Shane P. Cramer, Esq.  
Danielson Harrigan Leyh & Tollefson  
*arthurh@dhlt.com*  
*chrisw@dhlt.com*  
*shanec@dhlt.com*

Brian R. Nester, Esq.  
David T. Pritikin, Esq.  
Douglas I. Lewis, Esq.  
John W. McBride, Esq.  
Richard A. Cederoth, Esq.  
Sidley Austin LLP  
*bnester@sidley.com*  
*dpritikin@sidley.com*  
*dilewis@sidley.com*  
*jwmcbride@sidley.com*  
*rcederoth@sidley.com*

T. Andrew Culbert, Esq.  
David E. Killough, Esq.  
Microsoft Corp.  
*andycu@microsoft.com*  
*davkill@microsoft.com*

DATED this 28th day of November, 2011.

  
\_\_\_\_\_  
Marcia A. Ripley

EXHIBIT A  
FILED  
UNDER SEAL